

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

BANCO POPULAR DE PUERTO RICO ET ALS.,	*	<b>CV. 01-1142 (GAG)</b>
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PLAINTIFF,	*	
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V.	*	
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LAMCO/ACEMLA, ET ALS.,	*	
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DEFENDANT.	*	
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LAMCO/ACEMLA ET ALS.,	*	<b>CV. 01-1461 (GAG)</b>
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PLAINTIFF,	*	
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V.	*	
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BANCO POPULAR DE PUERTO RICO, ET ALS.,	*	
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DEFENDANT.	*	
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**MOTION TO AMEND ORDER AT DK. 303  
FILED ON CONSENT OF THE SOME PARTIES**

**TO THE HONORBLE COURT:**

**COMES NOW** defendant/plaintiff, LAMCO/ACEMLA parties, through the undersigned attorney of record and respectfully states, alleges and prays the following:

1. On August 5, 2009, the appearing parties filed their Motion in Compliance and Informative Motion regarding the termination of the taking of depositions in the instant case. See Dk. 323. This Motion is filed on Consent of some of the parties, BPPR, Venegas and LAMO/ACEMLA and requests to amend the Order at Dk. 303 to amend the time to file

dispositive motions 10 ten calendar days until on or before August 27, 2009 for good cause shown herein. The parties require the transcripts of some important witnesses/parties for their motions, i.e., Raul Bernard, BPPR ex- representatives Viera & Vega and BPPR Lavergne for the filing of said motions.

2. In said recent Motion in Compliance, notice was given as to an agreement reached between some of the parties whom have participated in these last rounds of depositions concerning seeking judicial intervention of facilitation of the filing of the dispositive motions set for August 15, 2009. See Dk. 303.
3. The deposition transcripts of the following parties/witnesses are in the process of being completed but have not been completed to date, Angel Cuco Pena, Raul Bernard-Part 2, Evelyn Vega and BPPR representative, Paulette Lavergne-Part 2.
4. The Richie Viera deposition taken July 28, 2009 was expedited and the deponent has been produced on August 6, 2009 late evening the transcript and we are awaiting corrections of the deposition that commenced at 10:00 a.m. and ended at 7:40 p.m. Said corrections are to be received on or before August 13, 2009.
5. The BPPR, Venegas and appearing parties have consent of the filing of this motion that seeks the short amendment of the Order as the depositions of these parties are necessary. In addition, numerous documents used at

these depositions are key to the resolution of the 8 eight disputed double claim songs.

6. The short enlargement will allow the Court to resolve the remaining issues more efficiently and may make the trial moot. The amended Order will not alter the October 15, 2009 Trial date, if one is needed.
7. Since August 15, 2009 falls on a Saturday, the time is file is extended by the Federal Rules of Civil Procedure to the next working day August 17, 2009, making the 10 day period fall on August 27, 2009.
8. On a personal note that has not been raised or consented to, the undersigned attorney of record is the Proxy and Power of Attorney for his 82-year old father who is Heart by-Pass patient that has been hospitalized in Mt. Sinai Medical Center and Psychiatric Hospital since August 1 to the present due to a new recent emotional condition. The undersigned traveled to Miami Florida from August 1-3, 2009, took the August 4, 2009 Vega and Lavergne depositions and has been attempting to finish the motions before the scheduled deadline but has been unable to do so because of the unavailability of the transcripts. The undersigned is scheduled to travel back to Miami, FL. on August 14, 2009 for a August 15, 2009 medical determination in his treatment and stay several days until his new condition and treatment is decided and is et to return on August 25<sup>th</sup>, 2009.

**WHEREFORE**, plaintiff respectfully requests that this Honorable Court grant

the Motion to Amend Order and allow until or before August 27, 2009 for the filing of dispositive motions for good cause shown herein and on consent of the BPPR, undersigned and Venegas parties. The other parties have been noticed to the filing of the instant motion and no one has objected to date.

**RESPECTFULLY SUBMITTED:**

**CERTIFICATE OF SERVICE:** I HEREBY CERTIFY that a true and exact copy of the foregoing document has been filed with the Clerk of Court using the CM\_ECF system that will served notice to all counsel and to all of the parties counsel at their address of record herein.

In Ponce, Puerto Rico, this 9th day of August, 2009.

/s Mauricio Hernandez Arroyo

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